

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended
Accusation Against:

Case No. 8002013000930

ADAM FREDERIC DORIN, M.D.

Physician's and Surgeon's
Certificate No. G86440

Respondent

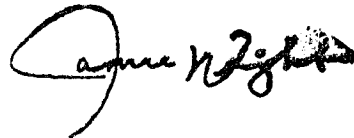
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 16, 2016.

IT IS SO ORDERED: November 16, 2016.

MEDICAL BOARD OF CALIFORNIA



Jamie Wright, J.D., Chair
Panel A

1 KAMALA D. HARRIS
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
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5 San Diego, CA 92101
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
14 Against:

15 **ADAM F. DORIN, M.D.**
16 **3972 Barranca Parkway, J-115**
17 **Irvine, CA 92606**

18 **Physician's and Surgeon's Certificate**
19 **No. G86440,**

20 Respondent.

Case No. 800-2013-000930

OAH No. 2015120747

21 **STIPULATED SETTLEMENT AND**
22 **DISCIPLINARY ORDER**

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 PARTIES

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
27 of California (Board). She brought this action solely in her official capacity and is represented in
28 this matter by Kamala D. Harris, Attorney General of the State of California, by Jason J. Ahn,
Deputy Attorney General.

2. Respondent Adam Dorin, M.D. (Respondent) is represented in this proceeding by
attorney Duane A. Admire, Esq., whose address is: 12880 Carmel Country Road, Suite D110

1 San Diego, CA 92130

2 3. On or about March 20, 2002, the Medical Board of California issued Physician's and
3 Surgeon's Certificate No. G86440 to Respondent. The Physician's and Surgeon's Certificate was
4 in full force and effect at all times relevant to the charges brought in First Amended Accusation
5 No. 800-2013-000930, and will expire on July 31, 2017, unless renewed.

6 JURISDICTION

7 4. On September 10, 2015, Accusation No. 800-2013-000930 was filed before the
8 Board. The Accusation and all other statutorily required documents were properly served on
9 Respondent on or about September 10, 2015. Respondent timely filed his Notice of Defense
10 contesting the Accusation. On September 15, 2016, First Amended Accusation No. 800-2013-
11 000930 was filed before the Board. The First Amended Accusation and all other statutorily
12 required documents were properly served on Respondent on or about September 15, 2016. A
13 copy of First Amended Accusation No. 800-2013-000930 is attached as exhibit A and
14 incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in First Amended Accusation No. 800-2013-000930. Respondent has
18 also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
19 Settlement and Disciplinary Order.

20 6. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the First Amended Accusation; the right to confront and
22 cross-examine the witnesses against him; the right to present evidence and to testify on his own
23 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
24 production of documents; the right to reconsideration and court review of an adverse decision;
25 and all other rights accorded by the California Administrative Procedure Act and other applicable
26 laws, having been advised of same by his attorney of record, Duane A. Admire, Esq.

27 ///

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7. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent does not contest that, at an administrative hearing, complainant could establish a *prima facie* case with respect to the charges and allegations contained in First Amended Accusation No. 800-2013-000930 and that he has thereby subjected his license to disciplinary action.

9. Respondent agrees that if he ever petitions for early termination or modification of probation, or if an accusation and/or petition to revoke probation is filed against him before the Medical Board of California, all of the charges and allegations contained in First Amended Accusation No. 800-2013-000930 shall be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding, or any other licensing proceeding involving Respondent in the State of California.

10. Respondent agrees that his Physician's and Surgeon's Certificate No. G86440 is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Medical Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Medical Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent *fully understands* and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

/ / /

12. The parties agree that this Stipulated Settlement and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and Disciplinary Order, the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving Respondent. In the event that the Board does not, in its discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

ADDITIONAL PROVISIONS

13. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to be an integrated writing representing the complete, final, and exclusive embodiment of the agreements of the parties in the above-entitled matter.

14. The parties agree that copies of this Stipulated Settlement and Disciplinary Order, including copies of the signatures of the parties, may be used in lieu of original documents and signatures and, further, that such copies shall have the same force and effect as originals.

15. In consideration of the foregoing admissions and stipulations, the parties agree the Board may, without further notice to or opportunity to be heard by Respondent, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G86440 issued to Respondent Adam F. Dorin, M.D. is revoked. However, the revocation is stayed and

Respondent is placed on probation for three (3) years on the following terms and conditions.

1. PROFESSIONALISM PROGRAM (ETHICS COURSE). Within 60 calendar days of the effective date of this Decision, Respondent shall enroll in a professionalism program, that meets the requirements of Title 16, California Code of Regulations (CCR) section 1358. Respondent shall participate in and successfully complete that program. Respondent shall provide any information and documents that the program may deem pertinent. Respondent shall successfully complete the classroom component of the program not later than six (6) months after Respondent's initial enrollment, and the longitudinal component of the program not later than the time specified by the program, but no later than one (1) year after attending the classroom component. The professionalism program shall be at Respondent's expense and shall be in addition to the Continuing Medical Education (CME) requirements for renewal of licensure.

A professionalism program taken after the acts that gave rise to the charges in the Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board or its designee, be accepted towards the fulfillment of this condition if the program would have been approved by the Board or its designee had the program been taken after the effective date of this Decision.

Respondent shall submit a certification of successful completion to the Board or its designee not later than 15 calendar days after successfully completing the program or not later than 15 calendar days after the effective date of the Decision, whichever is later.

2. NOTIFICATION. Within seven (7) days of the effective date of this Decision, the Respondent shall provide a true copy of this Decision and Accusation to the Chief of Staff or the Chief Executive Officer at every hospital where privileges or membership are extended to Respondent, at any other facility where Respondent engages in the practice of medicine, including all physician and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every insurance carrier which extends malpractice insurance coverage to Respondent. Respondent shall submit proof of compliance to the Board or its designee within 15 calendar days.

This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

1 3. SUPERVISION OF PHYSICIAN ASSISTANTS. During probation, Respondent is
2 prohibited from supervising physician assistants.

3 4. OBEY ALL LAWS. Respondent shall obey all federal, state and local laws, all rules
4 governing the practice of medicine in California and remain in full compliance with any court
5 ordered criminal probation, payments, and other orders.

6 5. QUARTERLY DECLARATIONS. Respondent shall submit quarterly declarations
7 under penalty of perjury on forms provided by the Board, stating whether there has been
8 compliance with all the conditions of probation.

9 Respondent shall submit quarterly declarations not later than 10 calendar days after the end
10 of the preceding quarter.

11 6. GENERAL PROBATION REQUIREMENTS.

12 Compliance with Probation Unit

13 Respondent shall comply with the Board's probation unit and all terms and conditions of
14 this Decision.

15 Address Changes

16 Respondent shall, at all times, keep the Board informed of Respondent's business and
17 residence addresses, email address (if available), and telephone number. Changes of such
18 addresses shall be immediately communicated in writing to the Board or its designee. Under no
19 circumstances shall a post office box serve as an address of record, except as allowed by Business
20 and Professions Code section 2021(b).

21 Place of Practice

22 Respondent shall not engage in the practice of medicine in Respondent's or patient's place
23 of residence, unless the patient resides in a skilled nursing facility or other similar licensed
24 facility.

25 License Renewal

26 Respondent shall maintain a current and renewed California physician's and surgeon's
27 license.

28 ///

1 Travel or Residence Outside California

2 Respondent shall immediately inform the Board or its designee, in writing, of travel to any
3 areas outside the jurisdiction of California which lasts, or is contemplated to last, more than thirty
4 (30) calendar days.

5 In the event Respondent should leave the State of California to reside or to practice
6 Respondent shall notify the Board or its designee in writing 30 calendar days prior to the dates of
7 departure and return.

8 7. INTERVIEW WITH THE BOARD OR ITS DESIGNEE. Respondent shall be
9 available in person upon request for interviews either at Respondent's place of business or at the
10 probation unit office, with or without prior notice throughout the term of probation.

11 8. NON-PRACTICE WHILE ON PROBATION. Respondent shall notify the Board or
12 its designee in writing within 15 calendar days of any periods of non-practice lasting more than
13 30 calendar days and within 15 calendar days of Respondent's return to practice. Non-practice is
14 defined as any period of time Respondent is not practicing medicine in California as defined in
15 Business and Professions Code sections 2051 and 2052 for at least 40 hours in a calendar month
16 in direct patient care, clinical activity or teaching, or other activity as approved by the Board. All
17 time spent in an intensive training program which has been approved by the Board or its designee
18 shall not be considered non-practice. Practicing medicine in another state of the United States or
19 Federal jurisdiction while on probation with the medical licensing authority of that state or
20 jurisdiction shall not be considered non-practice. A Board-ordered suspension of practice shall
21 not be considered as a period of non-practice.

22 In the event Respondent's period of non-practice while on probation exceeds 18 calendar
23 months, Respondent shall successfully complete a clinical training program that meets the criteria
24 of Condition 18 of the current version of the Board's "Manual of Model Disciplinary Orders and
25 Disciplinary Guidelines" prior to resuming the practice of medicine.

26 Respondent's period of non-practice while on probation shall not exceed two (2) years.

27 Periods of non-practice will not apply to the reduction of the probationary term.

28 Periods of non-practice will relieve Respondent of the responsibility to comply with the

1 probationary terms and conditions with the exception of this condition and the following terms
2 and conditions of probation: Obey All Laws; and General Probation Requirements.

3 9. COMPLETION OF PROBATION. Respondent shall comply with all financial
4 obligations (e.g., restitution, probation costs) not later than 120 calendar days prior to the
5 completion of probation. Upon successful completion of probation, Respondent's certificate shall
6 be fully restored.

7 10. VIOLATION OF PROBATION. Failure to fully comply with any term or condition
8 of probation is a violation of probation. If Respondent violates probation in any respect, the
9 Board, after giving Respondent notice and the opportunity to be heard, may revoke probation and
10 carry out the disciplinary order that was stayed. If an Accusation, or Petition to Revoke Probation,
11 or an Interim Suspension Order is filed against Respondent during probation, the Board shall have
12 continuing jurisdiction until the matter is final, and the period of probation shall be extended until
13 the matter is final.

14 11. LICENSE SURRENDER. Following the effective date of this Decision, if
15 Respondent ceases practicing due to retirement or health reasons or is otherwise unable to satisfy
16 the terms and conditions of probation, Respondent may request to surrender his license. The
17 Board reserves the right to evaluate Respondent's request and to exercise its discretion in
18 determining whether or not to grant the request, or to take any other action deemed appropriate
19 and reasonable under the circumstances. Upon formal acceptance of the surrender, Respondent
20 shall within 15 calendar days deliver Respondent's wallet and wall certificate to the Board or its
21 designee and Respondent shall no longer practice medicine. Respondent will no longer be subject
22 to the terms and conditions of probation. If Respondent re-applies for a medical license, the
23 application shall be treated as a petition for reinstatement of a revoked certificate.

24 12. PROBATION MONITORING COSTS. Respondent shall pay the costs associated
25 with probation monitoring each and every year of probation, as designated by the Board, which
26 may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of
27 California and delivered to the Board or its designee no later than January 31 of each calendar
28 year.


1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Duane A. Admire, Esq. I fully understand the stipulation and the
4 effect it will have on my Physician's and Surgeon's Certificate No. G86440. I enter into this
5 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
6 to be bound by the Decision and Order of the Medical Board of California.

7 DATED: 28 SEP 2016


8 ADAM DORN, M.D.
Respondent

10 DATED: 9/29/2016


11 DUANE A. ADMIRE, ESQ.
Attorney for Respondent

13 ENDORSEMENT

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
15 submitted for consideration by the Medical Board of California.

16 Dated: 9/30/16

Respectfully submitted,

17 KAMALA D. HARRIS
Attorney General of California
18 MATTHEW M. DAVIS
Supervising Deputy Attorney General

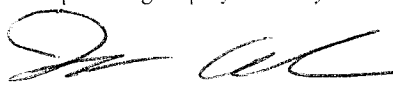

20 JASON J. AHN
Deputy Attorney General
21 Attorneys for Complainant

Exhibit A

First Amended Accusation No. 800-2013-000930

1 KAMALA D. HARRIS
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
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8 *Attorneys for Complainant*

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Sept. 15 20 16
BY [Signature] ANALYST

10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the First Amended Accusation
14 Against:

15 **ADAM F. DORIN, M.D.**
16 **3972 Barranca Parkway, J-115**
Irvine, CA 92606

17 **Physician's and Surgeon's Certificate**
18 **No. G86440,**

19 Respondent.

Case No. 800-2013-000930

OAH No. 2015120747

FIRST AMENDED ACCUSATION

20
21 Complainant alleges:

22 **PARTIES**

23 1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in
24 her official capacity as the Executive Director of the Medical Board of California, Department of
25 Consumer Affairs.

26 2. On or about March 20, 2002 the Medical Board issued Physician's and Surgeon's
27 Certificate No. G86440 to Adam F. Dorin, M.D. (Respondent). The Physician's and Surgeon's
28 Certificate was in full force and effect at all times relevant to the charges brought herein and will

1 expire on June 30, 2017, unless renewed.

2 JURISDICTION

3 3. This First Amended Accusation, which supersedes Accusation No. 800-2013-000930,
4 filed on September 10, 2015, in the above-entitled matter, is brought under the following laws.
5 All section references are to the Business and Professions Code (Code) unless otherwise
6 indicated.

7 4. Section 2227 of the Code states:

8 “(a) A licensee whose matter has been heard by an administrative law judge
9 of the Medical Quality Hearing Panel as designated in Section 11371 of the
10 Government Code, or whose default has been entered, and who is found guilty, or
11 who has entered into a stipulation for disciplinary action with the board, may, in
12 accordance with the provisions of this chapter:

13 “(1) Have his or her license revoked upon order of the board.

14 “(2) Have his or her right to practice suspended for a period not to exceed one
15 year upon order of the board.

16 “(3) Be placed on probation and be required to pay the costs of probation
17 monitoring upon order of the board.

18 “(4) Be publicly reprimanded by the board. The public reprimand may
19 include a requirement that the licensee complete relevant educational courses
20 approved by the board.

21 “(5) Have any other action taken in relation to discipline as part of an order of
22 probation, as the board or an administrative law judge may deem proper.

23 “(b) Any matter heard pursuant to subdivision (a), except for warning letters,
24 medical review or advisory conferences, professional competency examinations,
25 continuing education activities, and cost reimbursement associated therewith that
26 are agreed to with the board and successfully completed by the licensee, or other
27 matters made confidential or privileged by existing law, is deemed public, and
28 shall be made available to the public by the board pursuant to Section 803.1.”

1 5. Section 2234 of the Code, states:

2 “The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article,
4 unprofessional conduct includes, but is not limited to, the following:

5 “...

6 “(e) The commission of any act involving dishonesty or corruption
7 that is substantially related to the qualifications, functions, or duties of a physician
8 and surgeon.

9 “...”

10 6. Unprofessional conduct under Code section 2234 is conduct which breaches the rules
11 or ethical code of the medical profession, or conduct which is unbecoming a member in good
12 standing of the medical profession, and which demonstrates an unfitness to practice medicine.
13 (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564, 575.)

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Dishonest and Corrupt Acts)**

16 7. Respondent has subjected his Physician’s and Surgeon’s Certificate No. G86440 to
17 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (e), of
18 the Code, in that he committed dishonest and corrupt acts as more particularly alleged hereinafter:

19 8. On or about July 9, 2012, respondent sent a false and fraudulent email from his
20 employer Sharp Grossmont Hospital’s email service to the employer of R.B. under the fictitious
21 name “Jack Lew,” that falsely alleged R.B. had a police record and a history of altercations with
22 the law. Respondent sent the email in order for his then girlfriend and R.B.’s soon to be ex-wife
23 to gain an advantage in her divorce proceedings with R.B.

24 9. On or about July 17, 2012, respondent sent a false and fraudulent email from an email
25 service through the Delrey Apartment Homes in Irvine California to the employer of R.B. and the
26 State Bar of California under the fictitious name "Kathryn 'Kate' Saftine," that falsely alleged that
27 R.B. engaged in unethical legal and business practices and withheld money from a client.
28 Respondent sent the email in order for his then girlfriend and R.B.’s soon to be ex-wife to gain an

1 advantage in her divorce proceedings with R.B.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(General Unprofessional Conduct)**

4 10. Respondent has further subjected his Physician's and Surgeon's Certificate No.
5 G86440 to disciplinary action under section sections 2227 and 2234, as defined by section 2234,
6 of the Code, in that he has engaged in conduct which breaches the rules or ethical code of the
7 medical profession, or conduct which is unbecoming to a member in good standing of the medical
8 profession, and which demonstrates an unfitness to practice medicine, as more particularly
9 alleged hereinafter:

10 11. Paragraphs 8 through 9 above, are hereby incorporated by reference and re-alleged as
11 if fully set forth herein.

12 **PRAYER**

13 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
14 and that following the hearing, the Medical Board issue a decision:

15 1. Revoking or suspending Physician's and Surgeon's Certificate No. G86440, issued to
16 respondent Adam F. Dorin, M.D.;

17 2. Revoking, suspending or denying approval of respondent Adam F. Dorin, M.D.'s
18 authority to supervise physician assistants, pursuant to section 3527 of the Code;

19 3. Ordering respondent Adam F. Dorin, M.D., if placed on probation, to pay the Board
20 the costs of probation monitoring; and

21 4. Taking such other and further action as deemed necessary and proper.

22
23 DATED: September 15, 2016


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant